

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under G.O.Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs.Rc.No.C3/2596/2019-61, dt.28.01.2020 – Appeal filed by Jadhav Jyothi, D/o. Premsingh, R/o. Mankapur village of Narnoor Mandal, Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 5

Dated: 12-01-2021

Read the following:-

1. GO Ms.No.24, TW (LTR) Department, dated 12.6.2018.
2. Procs.Rc.No C3/2596/2019-61, dt.28.01.2020 of Collector & District Magistrate, Adilabad District
3. Appeal petition filed by Jadhav Jyothi, D/o. Premsingh, R/o. Mankapur village of Narnoor Mandal, Adilabad District, dated 17.02.2020.
4. Govt.Memo.No.274/TW.LTR/2020, dated 28.05.2020
5. Lr.No.D5/309/2018, dated:30.07.2020 of PO, ITDA, Uttoor, Adilabad District.
6. Notice No.274/TW.LTR/2020, dt. 28.08.2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District vide her orders in the reference 2nd cited, has cancelled Agency Area Local ST Certificate bearing No. B/205/2018, dt.10.08.2018 issued by the Tahsildar, Narnoor Mandal to Jadhav Jyothi, D/o. Premsingh, R/o. Mankapur village of Narnoor Mandal, Adilabad District basing on the following grounds made by the Scrutiny Committee:

- Though the Tahsildar, Narnoor has issued Agency Certificate vide Lr.No.B/205/2018, dt.10.08.2018, the following anomalies were found which are contrary to the provisions of GO Ms.No.24, TW (LTR.1) Dept. dt.12.06.2018.
 - o Verification of Fasli documents produced reveal that in 1352, one Si Lakku S/o Chimna is standing as pattedar in Sy.No.22 situated at Pardi-B village of Boath Mandal. Here, the candidate is claiming that Sri Lakku S/o Chimna is the pattedar of land in Sy.No.22 situated at Pardi-B village is her great grandfather, but the candidate has not established that Sri Lakku S/o Chimna is her great grandfather.
 - o Verification of 1954-55 Khasra pahani reveals that Sri Hunya S/o Lakku is standing as pattedar in Sy.No.61/౩ situated at Chinthalabori village of Boath Mandal and who is claimed to be her grandfather. Here in the subsequent years, this land is

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found transferred in favour of Punya S/o Lakku and Halya S/o Lakku but these two names are not found in the family tree which implies that these persons are not the family members of the candidate. In the family tree produced, Lakku's sons are Gannu, Ramsingh, Hunya & Vittal. The names of Punya and Halya do not feature in the family tree who actually inherited the land in Sy.No.61.

- The candidate has failed to submit the 1950 record to till date to prove her residence and holding lands or any other documents in agency rather the candidate has created utter confusion by submitting documents of unrelated persons from different village of Chinthalbori, voter list of Morkhandi, Bazarhathnoor and current village of Mankapur village of Narnoor Mandal.

3. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Jadhav Jyothi, D/o. Premsingh, R/o. Mankapur village of Narnoor Mandal, Adilabad District vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, of dt.12.6.2018 of TW (LTR.1) Department. The contentions of Appellant Jadhav Jyothi, D/o. Premsingh and the following documents have been submitted along with the Appeal and also during hearing on 5.9.2020.

- She has been selected for the post of TRT under Agency Scheduled Tribe Category of Adilabad District.
- The impugned orders of cancellation of Local ST Certificate issued by the Tahsildar, Narnoor dt.10.08.2018 by the Dist. Collector and Magistrate, Adilabad is improper, illegal, contrary to the standing rules and law and it has not properly verified and perused – therefore, it is liable to be set aside.
- The Scrutiny Committee headed by the Project Officer, ITDA has miserably failed to make discrete enquiry with detailed scrutinees relating to Khasra Pahani, Faisal Patti, Pahani Patrika from the year 1950 onwards together with Family Tree issued by the Tahsildar and consequential verification thoroughly and basing on the fabricated, frivolous contents in the family trees come to negative conclusions that the Area Local ST Certificate issued by the Tahsildar, Narnoor vide Lr.No.B/205/2018 on 10.08.2018 is liable to be cancelled on the grounds that it is not genuine, and fails under guidelines of GO Ms.No.24, dt.12.6.2018, therefore the cancellation of Dist. Collector, Adilabad is liable to be set aside.
- Those particular facts with circumstances and aspects were glossed over by the Scrutiny Committee and as well as Dist. Collector, Adilabad.
- The Dist. Collector, Adilabad has miserably failed to give reasonable opportunity and time in issuing show cause notice vide Proc.No.C3/2596/2019, dated 20.01.2020 has been received by the petitioner herein on 27.01.2020 to appear before hearing on 28.01.2020. Thus, there is no sufficient time afforded to her for securing reasonable and relevant documents in order to file the same before the hearing held on 28.01.2020. Therefore, she could not file documents to prove the relevancy, admissibilities and facts relating to her claim of Agency Area Local ST.

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- Now submitting herewith the relevant documents issued by the Tahsildar, Boath vide No.C/71/2020 on 14.02.2020 duly clarified that the names as shown against Sl.No.1 to 5 regarding Sy.No.61/E and Sy.No.22 situated at Chinthalbori village and Pardi-B village for the year 1954-55 Khasra and Pahani for the year 1990 to 2000, 2005-2006, 2009-2019 and 1955-56 to 2019 the mentioned name Sri Hunya S/o Lakku, Sri Halya S/o Lakku, Sri Haniya S/o Lakku and Sri Paniya S/o Lakku, Sri Poolsingh S/o Lakki9 – the above mentioned names are one and same person, therefore the question of rejecting her forefathers during the final hearing by the Dist. Collector, Adilabad does not preclude her claims as grand-daughter of late Sri Hunya and great grand-daughter of Lakku S/o Chimna and grand-daughter of Hunya S/o Lakku.
- Therefore, she prayed the Government to subject all aspects, facts with circumstances into meticulous scrutiny and after perusal sympathetically pass appropriate orders in setting aside the Procs.No.C3/2596/2019-61 of the Dist. Collector, Adilabad dated 28.01.2020 and to pass such other order or orders as deemed fit and proper in the interest of principles of natural justice, equity and fair ply.

i) As per Family Tree:

- Jadhav Lakhu S/o Chimna is great grandfather of appellant. He has four sons viz., 1) Gannu 2) Ramsingh 3) Hunya (grandfather of appellant) and 4) Vittal.
 - Jadhav Hunya (grandfather of appellant) has five sons viz., 1) Premsingh (father of appellant) 2) Kishan 3) Sudershan 4) Laxman and 5) Rajesh Babu.
 - Jadhav Premsingh (father of appellant) has three children viz., 1) Sateesh (son) 2) Jyothi (daughter and appellant herein) and 3) Kiran Kumar (son).
- ii) Pahani for the year 1947 – translated from Modi Marathi language into English by Nagorao Jhade R/o Mahegaon, Narnoor Mandal, Dist. Adilabad – shows name of Sri Lakhu S/o Chimna for an extent of Acs.24.10 gts. at Sl.No.22 – True copy issued by Dy.Tahsildar, Boath (M).
- iii) Khasra Pahani for the year 1954-55 – Chinthalbori village – Mandal: Boath – Dist. Adilabad – shows name of Hunya S/o Lakhu R/o Pardi village (grandfather of appellant) for an extent of Acs.4.20 gts.
- iv) Pahani for the years 1955-58 – Pardi-B village – Mandal: Boath – shows name of Phoolsingh S/o Lakhu R/o Pardi-B village, Boath Mandal for an extent of Acs.5.30 gts. in Sy.No.22/ॐ.
- v) Pahani for the year 1961-62 – Pardi-B village – Mandal: Boath – shows name of Phoolsingh S/o Lakhu R/o Pardi-B village for an extent of Acs.5.30 gts. in Sy.No.22/ॐ.

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- vi) Pahani for the year 1961-62 – Chinthalbori village – Mandal: Boath – shows name of Hunya S/o Lakhu (grandfather of appellant) for an extent of Acs.4.25 gts. in Sy.No.61.
- vii) Pahani for the year 1964-65 – Pardi-B village – Boath Mandal – shows name of Phoolsingh S/o Lakhu for an extent of Acs.5.30 gts. in Sy.No.22/ॐ.
- viii) Pahani for the year 1964-65 – Chinthalbori village – Mandal: Boath – shows name of Hunya.
- ix) Pahani for the year 1969-70 – Pardi-B village – Boath Mandal – shows name of Phoolsingh S/o Lakhu for an extent of Acs.5.30 gts. in Sy.No.22/ॐ.
- x) Pahani for the year 1971-72 – Chinthalbori village – Mandal: Boath – shows name of Hunya S/o Lakhu (grandfather of appellant) for an extent of Acs.4.25 gts. in Sy.No.61/ॐ.
- xi) Pahani for the year 1974-75 – Pardi-B village – Mandal: Boath – shows name of Phoolsingh S/o Lakhu for an extent of Acs.5.30 gts in Sy.No.22/ॐ.
- xii) Pahani for the year 1976-77 – Chinthalbori village – Mandal: Boath – shows name of Hunya S/o Lakhu (grandfather of appellant) for an extent of Acs.4.25. in Sy.No.61/ॐ.
- xiii) Pahani for the year 1981-82 – Chinthalbori village – Mandal: Boath shows name of Hunya S/o Lakhu (grandfather of appellant) for an extent of Acs.4.25 gts. in Sy.No.61/ॐ.
- xiv) Pahani for the year 1981-82 – Pardi-B village – Mandal: Boath – shows name of Phoolsingh S/o Lakhu for an extent of Acs.5.30 gts. in Sy.No.22/ॐ.
- xv) Pahani for the year 1984-85 – Pardi-B village – Mandal: Boath – shows name of Phoolsingh S/o Lakhu for an extent of Acs.5.30 gts. in Sy.No.22/ॐ.
- xvi) Pahani for the year 1984-85 – Chinthalbori village – Mandal: Boath – shows name of Hunya S/o Lakhu (grandfather of appellant) for an extent of Acs.4.25 gts. in Sy.No.61/ ॐ .
- xvii) Pahani for the year 1990-91 – Chinthalbori village – Mandal: Boath – shows name of Halya S/o Lakhu (grandfather of appellant) for an extent of Acs.4.25 gts. in Sy.No.61/ॐ.
- xviii) Pahani for the year 1994-95 – Chinthalbori village – Mandal: Boath – shows name of Halya S/o Lakhu (grandfather of appellant) for an extent of Acs.4.25 gts. in Sy.No.61/ॐ.
- xix) Pahani for the year 1994-95 – Pardi-B village – Mandal: Boath – shows name of Phoolsingh S/o Lakhu for an extent of Acs.5.30 in Sy.No.22/ॐ.

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- xx) Pahani for the year 1999-2000 – Chinthabori village – Mandal: Boath – shows name of Halya S/o Lakhu (grandfather of appellant) for an extent of Acs.4.25 gts. in Sy.No.61/௧.
- xxi) Pahani for the year 1999-2000 – Pardi-B village – Mandal: Boath – shows name of Phoolsingh S/o Lakku for an extent of Acs.5.30gts. in Sy.No.22/௧
- xxii) Pahani for the year 2005-06 – Chintalbori village – Mandal: Boath – shows name of Hanya S/o Lakhu (grandfather of appellant) for an extent of Acs.4.25 gts in Sy.No.61/௧.
- xxiii) Pahani for the year 2005-2006 – Pardi-B village – Mandal: Boath – shows name of Phoolsingh S/o Lakhu for an extent of Acs.5.30 gts. in Sy.No.22/௧
- xxiv) Pahani for the year 2009-10 – Chintalbori village – Mandal: Boath – shows name of Punya S/o Lakhu for an extent of Acs.4.25 gts in Sy.No.61.
- xxv) Pahani for the year 2010-2011 – Pardi-B village –Mandal: Boath – shows name of Phoolsingh S/o Lakhu for an extent of Acs.5.30 gts. in Sy.No.22/௧
- xxvi) Pahani for the year 2019 – village: Chinthabori – Mandal: Boath – shows name of Panya S/o Lakku for an extent of Acs.1.2100 gts in Sy.No.61/௧.
- xxvii) Copy Certificate bearing No.C/71/2020, dt.14.02.2020 issued by Tahsildar, Boath (M) – wherein it was certified on the strength of certification made by Mandal Girdhawar-II of Boath Mandal and based on revenue records of Chintalbori village of Boath Mandal, the land in Sy.No.61/௧ extent of 4.15 situated at Chinthabori village shivar and Sy.No.22 extent of 5.30 acres at Pardi (B) village shivar, the following names are enrolled:

Sl. No.	Sy.No.	Village	Pahani Year	Mentioned Name
1.	61/	Chintalbori	1954-55 Khasra	Sri Hunya S/o Lakku
2.	61/	Chintalbori	1990 to 2000	Sri Halya S/o Lakku
3.	61/	Chintalbori	2005-06	Sri Haniya S/o Lakku
4.	61/	Chintalbori	2009 to 2019	Sri Paniya S/o Lakku
5.	22	Pardi (B)	1955-56 to 2019	Sri Poolsingh S/o Lakku

It was further certified in the above certificate that the above mentioned names are of one and same person i.e. Hunya S/o Lakku who is grandfather of appellant.

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- xxviii) Copy of Certificate bearing No. C/71/2020-1, dated 14.02.2020 issued by Tahsildar, Boath(M) – wherein it was certified that “On the basis of certification made by Village Revenue Officer, Pardi-B village, Mandal Girdavar-II Boath and as per the Revenue Records of Pardi-B village, this is to certify that the applicant Sri Jadhav Premsingh S/o Hunya present R/o Rajulaguda H/o Mankapur village of Narnoor Mandal who belongs to ST-Lambadi community and his grandfather by name Sri Lakku S/o Chimna was enrolled as Pattedar in land Sy.No.22 in 1352 Fasli (1942-43) year of Pardi-B village, Boath Mandal and with reference to this record the fore-fathers of applicant has been resided in Pardi-B village (which is Scheduled Tribe Area Village) since before 1950 and the family was shifted to Morkandi village of Bazarhathnoor Mandal in the year 19786 ad also shifted to Rajulaguda H/o Mankapur village of Narnoor Mandal in the year 1988. Hence, certified”.
- xxix) Voter list for the year 1977 of Boath Assembly Constituency – Part No.143 – Village: Morekhandi – Firka: Hathnoor – Taluq: Boath – Dist. Adilabad – shows name of Jadhav Gannu S/o Lakku at Sl.No.73 under H.No.1-27 (eldest brother of grandfather of appellant).
- xxx) Voter list for the year 1995 – village: Mankapur – Mandal: Narnoor – under 241 Boath (ST) Assembly Constituency – show names of 1) Jadhav Hunaji S/o Lakku & 2) Jadhav Gunabai W/o Hunaji (grandparents of appellant) & other family members from Sl.Nos.480 to 487 under H.No.2-93.
- xxxi) Certificate bearing No.C/320/2018, dt.3.11.2018 issued by Tahsildar, Bazarhathnoor – it was certified that Sri Jadhav Hunaji S/o Lakku was enrolled at Sl.No.73 under H.No.1-27 Part No.143 of 241 Boath (ST) Assembly Constituency of Adilabad District.
- xxxii) Agency Area Local ST Certificate bearing Rc.No.B/205/2018, dt.10.08.2018 issued by Tahsildar, Narnoor Mandal – wherein it was certified that Kumari Jyothi Jadhav D/o Premsingh belongs to ST (Lambadis) and that herself and her grandparents have been continuously residing at Mankapoor village since 26.1.1950 which is a notified scheduled village.
- xxxiii) Copy of Certificate bearing Rc.No.C/4770/2011, dt.02.12.2011 issued by Tahsildar, Boath – wherein it was certified that Sri J.Sateesh Kumar S/o Premsingh presently said to be residing at Rajulaguda village, Narnoor Mandal, his forefather name Sri Jadhav Lakku S/o Chimna R/o Pardi-B village of Boath Mandal, which falls within the scheduled area since 26.1.1950. He resided at Pardi-B village until 1976.
- xxxiv) Declaration by village elders of GP Devalanaikthanda – Mandal: Boath – wherein it was declared that late Sri Lakku S/o Chimna was their community elder in the village. He possessed land before 1950 in Pardi-B shivar in Sy.No.22 for an extent of 24 acres. His sons also have landed property in Chinitalbori village in Sy.No.61 for an extent of acres 18.00 from 1954. Due to some family disputes, his sons Ramsingh, Gangansingh, Hunya

and Vital left Pardi-B village in 1976 and shifted to Morkhandi village of Bazarhathnoor Mandal. But, still they have patta lands in Sy.No.22 and 61. This declaration was attested by the Sarpanch of the GP Devalanaikthanda.

xxxv) Declaration by village elders of GP Gulabthanda, Bazarhathnoor Mandal – wherein it was declared that Sri Jadhav Hunya S/o Lakku migrated to Morkhandi village (now called as Gulabthanda) in the year 1976 from Pardi-B village and was working as agri labour and that he did not have any landed properties. Later in the year 1988, his eldest son Prem Singh (i.e. father of appellant) secured employment – therefore, they migrated from Morkhandi (Gulabthanda) village of Bazarhathnoor to Rajulaguda village of Narnoor Mandal. This declaration was attested by the Sarpanch, GP Gulabthanda, Mandal: Bazarhathnoor.

xxxvi) Declaration by village elders of GP Mankapur, Narnoor Mandal – wherein it was declared that Sri Jadhav Prem Singh S/o Hunya migrated to their village in the year 1988 and still living in the same village. Prem Singh possesses now agri land of 4 acres. Thus, Prem Singh S/o Hunya has been living in their village since 32 years. This was attested by Sarpanch, GP Mankapur of Narnoor Mandal.

4. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

5. Accordingly, vide reference 5th read above, the P.O. ITDA, Utnoor Adilabad District has submitted original record of the case along with para-wise remarks.

6. Vide reference 6th read above a Notice has been issued to the appellant to attend for hearing on 05.09.2020 before the Government to prove her claim along with documentary evidences. Accordingly the Appellant Jadhav Jyothi D/o Prem Singh has attended for hearing on 5.09.2020 and submitted documents in support of his claim that they have been residing in the Agency area since 26.1.1950.

7. The documentary evidences produced by the appellant before the Government along with the Appeal and during hearing on 5.9.2020, it is clearly established that Sri Hunya, Sri Halya, Sri Haniya, Sri Paniya and Sri Poolsingh S/o Lakku is one and same person i.e. Hunya who is grandfather of appellant and having agri lands in Chintalabori and Pardi-B villages of Boath Mandal. Sri Hunya first migrated to Morkhandi village of Bazarhathnoor Mandal in the year 1976 and later his eldest son Prem Singh i.e. father of appellant shifted to Rajulaguda H/o Mankapur village in the year 1988 for employment purpose where is still residing. All the villages of their residence i.e. Pardi-B of Boath Mandal, Morkhandi of Bazarhathnoor Mandal and Rajulaguda H/o Mankapur are notified tribal villages as per Scheduled Areas (Part-B) States Order, 1950.

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8. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the appeal petition, during the hearing on 5.9.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, it is proved that the Appellant Jadhav Jyothi D/o Premsingh and her ancestors have been continuously living in the Agency Areas of Adilabad District since 26.1.1950 and the LSTAC bearing No. B/205/2018, dt.10.8.2018 issued by the Tahsildar, Narnoor Mandal, after due enquiry, is treated as genuine and valid.

9. Accordingly, Government hereby set aside orders of the District Collector, Adilabad in Procs.Rc.No.C3/2596/2019-61, dated 28.01.2020 and allow the and the Appeal petition filed by the appellant Jadhav Jyothi D/o Premsingh R/o Mankapur village of Narnoor Mandal of Adilabad District.

10. The District Collector, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The District Collector, Adilabad District.

Jadhav Jyothi, D/o. Premsingh, R/o. Mankapur village,
Narnoor Mandal, Adilabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare (for information)
5. The PS to Secretary (TW)
6. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER